

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5716 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

NAGINBHAI DAHYABHAI AND OTHERS

Versus

SURAT MUNICIPAL CORPORATION AND OTHERS

Appearance:

MR RS SANJANWALA for Petitioners
MR PRASHANT G DESAI for Respondent No. 1
NOTICE SERVED for Respondent No. 3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 02/05/2000

ORAL JUDGEMENT

I have heard Mr. S.H.Sanjanwala, learned Senior Counsel appearing on behalf of petitioners and Mr. Rajesh Desai, learned counsel for Mr.Prashant Desai, learned Senior Counsel appearing on behalf of respondent

No.1 Corporation. It is submitted by Mr. Sanjanwala, learned Senior Counsel that the plan for construction of the house of the petitioners was approved by the Commissioner of Surat Municipal Corporation but subsequently the Standing Committee of the Corporation has cancelled the permission of the petitioners. Having felt aggrieved by the said order, the present petition has been filed by the petitioners. Mr. Sanjanwala has submitted that after filing the writ petition, the stay order was obtained. He is not aware about the latest position of the case. However, Mr. Sanjanwala submitted that it is possible that by now the petitioners must have got the relief and therefore they are not contacting the counsel. Learned counsel, therefore, submitted that the petition may be disposed of with a liberty to the petitioners to move a fresh, if they are still aggrieved by the decision of the Standing Committee of the Corporation. Accordingly the writ petition is disposed of with a liberty to the petitioners to move a fresh, if they are still aggrieved by the order of the Standing Committee. Rule is discharged, with no order as to costs. Interim relief, if any, granted earlier stands vacated.

Date:2/5/2000. (P.K.SARKAR, J.)

ccshah